

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV12232-PBS

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ADRIAN McCRAY,

Plaintiff,

v.

H&R BLOCK EASTERN ENTERPRISES, INC.,  
and LINDA MURPHY,

Defendants.

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**AFFIDAVIT OF JENNIFER BELLI IN SUPPORT OF DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

I, Jennifer Belli, am a member of the bar of the Commonwealth of Massachusetts and an associate of the law firm of Goulston & Storrs, P.C., located at 400 Atlantic Avenue, Boston, Massachusetts. I, along with Adrienne M. Markham, Esq. and Deborah Hesford DosSantos, Esq., represent the Defendants in this action. I attest that the documents attached hereto and cited in the Defendants' Statement of Undisputed Material Facts are true and accurate copies of the following:

1. Affidavit of Linda Murphy, dated November 15, 2005;
2. Affidavit of Franciene Gill, dated November 15, 2005;
3. Regional Human Resources Manager Job Description, which is Exhibit 9 from the deposition of Adrian McCray taken in this action on June 7, June 8, and October 21, 2005 (the "McCray Deposition");
4. Description of Clarify Cases, which is Exhibit 17 from the McCray Deposition;

5. Dre McCray Performance Review, dated May 15, 2002, which is Exhibit 2 from the McCray Deposition;
6. Selected pages from the transcript of the McCray Deposition;
7. Written Warning, dated May 31, 2002, which is Exhibit 3 from the McCray Deposition;
8. Paul Rogers Investigation Summary, which is Exhibit 16 from the McCray Deposition;
9. Selected pages from the transcript of the deposition of Linda Murphy taken in this action on June 8, 2005 (the "Murphy Deposition");
10. Affidavit of Catherine Watson, dated November 15, 2005;
11. Dre McCray Development Plan, which is Exhibit 4 from the McCray Deposition;
12. Gill/McCray Email Exchange, dated November 13, 2002, which is Exhibit 23 from the McCray Deposition;
13. Murphy/Gill/McCray Email Exchange, dated November 18-19, 2002;
14. McCray Performance Update, dated November 25, 2002, which is Exhibit 10 from the McCray Deposition;
15. Murphy/Gill/McCray Email Exchange, dated November 19, 2002, which is Exhibit 5 from the McCray Deposition;
16. McCray Email to Murphy and Gill, dated November 18, 2002;
17. McCray Request for Leave of Absence, dated November 24, 2002;
18. McCray Certification of Health Care Provider, dated November 27, 2002;
19. Natalie Smith Email, dated January 16, 2003;
20. Medical Note from Alves Chiropractic Center, dated November 27, 2002;

21. McCray Charge of Discrimination Filed with the Massachusetts Commission Against Discrimination, dated December 4, 2002;
22. Medical Note from Alves Chiropractic Center, dated December 11, 2002;
23. McCray/Murphy/Gill Email Exchange, dated December 11, 2002;
24. Letter from Ellen J. Bardy to Adrian McCray, dated December 13, 2002;
25. McCray Email, dated January 6, 2003;
26. Natalie Smith Email to Adrian McCray, dated January 6, 2003;
27. Natalie Smith Email to Franciene Gill, dated January 9, 2003;
28. McCray Medical Certification regarding Intractable Plantar Keratoma, which is Exhibit 12 from the McCray Deposition;
29. Frederic Schwartz Pre-Operative Instructions and Information, which is Exhibit 13 from the McCray Deposition;
30. McCray Final Written Warning, dated January 14, 2003, which is Exhibit 11 from the McCray Deposition;
31. Franciene Gill Email to Adrian McCray, dated January 14, 2003, which is Exhibit 19 from the McCray Deposition;
32. Termination Letter of Adrian McCray, which is Exhibit 14 from the McCray Deposition;
33. Charge of Discrimination Filed with the Massachusetts Commission Against Discrimination, dated February 3, 2003;
34. McCray Request for Leave of Absence, dated January 9, 2003, which is Exhibit 15 from the McCray Deposition; and

35. Medical Records of Dr. Frederic Schwartz, with accompanying Affidavit in Accordance with Federal Rules of Evidence 803(6) and 902(11).

Signed under the pains and penalties of perjury this 15<sup>th</sup> day of November, 2005.

/s/ Jennifer Belli

Jennifer Belli

**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2005, I caused the foregoing Affidavit of Jennifer Belli to be served upon all counsel of record by first class mail.

/s/ Jennifer Belli

Jennifer Belli